

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LISA SHOEMAKE,

Case No. 0101014098

Charging Party,

ORDER

-v-

ALTERNATIVE INC.,

Respondent.

Lisa Shoemake (Shoemake) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging she was discriminated against on the basis of her disability when Alternatives Inc. terminated her employment.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Shoemake's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Shoemake filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 21, 2010.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Lisa Shoemake's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Alternative Inc..

DATED this ____ day of July 2010.

Chair Ryan C. Rusche
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of July 2010.

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Montana Human Rights Bureau